

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

M.D., a minor child proceeding through)		
MELODY SHULER as parent and)		
next friend,)		
)		
Plaintiff,)		
)		
v.)		Civil Action No. 3:13CV329-HEH
)		
SCHOOL BOARD OF THE CITY OF)		
RICHMOND, <i>et al.</i> ,)		
)		
Defendants.)		

ORDER

**(Granting Plaintiff's Motion to Proceed *In Forma Pauperis* and Dismissing
Plaintiff's Complaint Pursuant to 28 U.S.C. § 1915(e)(2))**

THIS MATTER is before the Court on Plaintiff's Motion to Proceed *In Forma Pauperis* (ECF No. 1), filed by his parent and next friend on May 22, 2013. Upon due consideration, Plaintiff's Motion to Proceed *In Forma Pauperis* is hereby GRANTED. Plaintiff and his next friend may proceed in this case without paying the Court's filing fee. However, for the reasons stated in the accompanying Memorandum Opinion, the case is DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and Fed. R. Civ. P. 12(b)(6).

Should Plaintiff wish to appeal this Order, written notice of appeal must be filed with the Clerk of Court within thirty (30) days of the date of entry hereof. Failure to file a notice of appeal within that period may result in the loss of the right to appeal.

The Clerk is directed to send a copy of this Order and the accompanying Memorandum Opinion to Plaintiff, who is *pro se*.

This case is CLOSED.

It is so ORDERED.

Date: May 30 2013
Richmond, Virginia

HeH /s/
Henry E. Hudson
United States District Judge